

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
SOUTHERN DIVISION

TRANSCRIPT OF HEARING ON FIRST APPEARANCE
BEFORE THE HONORABLE DAVID P. RUSH
UNITED STATES MAGISTRATE JUDGE

APPEARANCES:

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(Court in Session at 2:41 p.m.)

THE COURT: Calling in *United States vs. Scott Goodwin-Bey*. The defendant is present in the courtroom. The United States is present represented by Assistant United States Attorney, Mr. Jim Kelleher. This matter is set this afternoon for an initial appearance on a criminal complaint, which was filed on December 1st, 2014. Mr. Goodwin-Bey, I believe you've been provided a copy of the complaint in this case, have you not?

MR. GOODWIN-BEY: Yes, Your Honor.

10 THE COURT: The law requires me to advise you that you
11 are not required to make any statements, and any statements you
12 make may be used against you in court. You have the right to
13 hire a lawyer. If you cannot afford one, I would appoint one to
14 represent you. In that regard, you filled out an Affidavit of
15 Financial Status just a few moments ago. Would you please raise
16 your right hand?

SCOTT GOODWIN-BEY, DEFENDANT, SWORN

18 THE COURT: Are you asking the Court to appoint counsel
19 to represent you?

20 MR. GOODWIN-BEY: No, Your Honor. I may need -- I may
21 need counsel, but I may be able to afford one, if I'm allowed to
22 continue to work.

23 THE COURT: Well, I'm going to ask the attorney for the
24 Government what their position is on detention, and you're likely
25 to have a hearing either way in about three days, regardless of

1 what the Government requests. And so I'm inclined to appoint
2 counsel to represent you because, if you can't retain one, you're
3 going to need an attorney at that hearing. Let me ask the
4 Government first what the position of the United States is in
5 regard to the defendant's custody status?

6 MR. KELLEHER: Predicated on the nature of the offense,
7 as well as Mr. Goodwin-Bey's criminal history, the Government
8 moves to detain him.

9 THE COURT: Mr. Goodwin-Bey, the Government has a right
10 to ask that you be held without bail, and you have a right to
11 challenge that request. And so, I'm going to set this for a
12 detention hearing on Thursday December the 4th at 9:00 a.m. At
13 that time we also conduct the preliminary hearing in regard to
14 the criminal complaint. So, prior to that time, you should have
15 an opportunity to meet with or speak with your counsel and decide
16 how you wish to proceed with your case. I'm going to go ahead
17 and appoint the Public Defender's Office to represent you in this
18 matter at this time. If you are able to retain counsel to
19 represent you, then they need to be present at that hearing
20 because we're going to take up the issue of your custody status
21 and also conduct the preliminary hearing. Do you understand?

22 MR. GOODWIN-BEY: Okay. Yes, Your Honor, I'd like to
23 challenge at this point. I mean, you know, I have a job, you
24 know.

25 THE COURT: Yeah. Well, Mr. Goodwin-Bey, I'll just tell

1 you, you know, you save that for your discussion with your
2 attorney. You know, the Court will take up the issue of your
3 custody on the hearing on December the 4th. You can address that
4 with your attorney. I just feel like it's best that you not make
5 any statements at this time until you've had a chance to talk to
6 your counsel. Anything further from the United States?

7 MR. KELLEHER: No, Your Honor. Thank you.

8 THE COURT: All right. With that, we'll be in recess.
9 Thank you.

10 (Court Adjourned at 2:44 p.m.)

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9 I certify that the foregoing is a correct transcript
10 from the electronic sound recording of the proceeding in the
above-entitled matter.

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12 /s/ Lissa C. Whittaker
Signature of transcriber

April 23, 2015
Date